

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11  
MOTORS LIQUIDATION COMPANY, et al : Case no. 09-50026  
f/k/a General Motors Corp. et al :  
Debtors. :

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ANSWER TO 244<sup>TH</sup> OBJECTION CLAIMS  
AND MOTION REQUESTING ENFORCEMENT OF BAR DATE ORDERS

TO THE HONORABLE COURT:

Comes now, creditor C R Rondinelli, Inc, through the undersigned attorney and respectfully represent:

1. Appearing creditor was included in the Exhibit A List accompanying the 244<sup>th</sup> Objection Claims and Motion Requesting Enforcement of Bar Date Orders filed by Debtors,
2. The proof of Claim filed by the appearing Creditor was filed more or at the Bar Date
3. The United States Supreme Court has established a standard for allowing a late Claim, requiring a showing of excusable neglect. See Pioneer Inv. Assocs., 507 U.S. 380.(1993) The Pioneer Court established five factors in consideration of what constitute excusable neglect:
  - a) the degree of prejudice to the debtor
  - b) the length of the delay and its potential impact on judicial proceedings
  - c) the reason for the delay, including whether it was within the reasonable control of the claimant
  - d) whether the claimant acted in good faith,
  - e) if a claimant has counsel, whether a claimant should be penalized for their counsel's mistake or neglect.
4. It's clear that there are no prejudice to Debtors neither they alleged or established any damage or prejudice; there wasn't a significant delay with any impact to the judicial proceedings ( the filing delay is of two (2) days and the Plan was filed more than one year later) ; the delay wasn't in the control of creditor because the attorney

that was representing him in the state court was not a bankruptcy petitioner; and finally creditor acted always in good faith.

WHEREFORE, Creditor prays that the Motion Requesting Enforcement of the Bar Date be denied and any other relief that the Court deems just and proper.

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sends notification of such filing to all those who in this case have registered for receipt of notice by electronic mail.

Dated September 15, 2011.

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